

Notice of Allowability	Application No.	Applicant(s)
	10/525,537	KOBAYASHI, HISASHI
	Examiner Brian Nash	Art Unit 3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to phone interview 6/12/2006.
2. The allowed claim(s) is/are 1 and 4-6.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 6/12/2006.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's amendment received 6/2/2006. Upon further discussion with applicant during a telephone interview (see attached summary), applicant has now amended claims 1, 4, and 5, cancelled claims 2 and 3 and added new claim 6. The pending claims are now 1 and 4-6.
2. Applicant's amendment has remedied all matters pertaining to indefiniteness and the rejections made under the second paragraph of 35 U.S.C. 112 are hereby withdrawn.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Schneider at 312-845-3919 on 6/15/2006.

The application has been amended as follows:

The claims have been replaced by the following:

Claim 1. A stapler comprising a driver unit having a driver for punching out a staple toward sheets, said driver comprising a drive-out mechanism to drive out the staple when the driver is reciprocated, and the drive-out mechanism comprising a first driving shaft,

a clincher unit having a clincher base comprising a clincher to clinch leg portion of the staple passing through the sheets, the driver unit being vertically separated from the clincher unit, said clincher comprising a clincher mechanism for clinching the leg portions of the staple passing through the sheets, said clincher mechanism comprising a second driving shaft,

wherein the clincher base is disposed so as to vertically reciprocate, and the sheets are clamped between the clincher base and the driver unit when the clincher base is driven for reciprocation,

the stapler further comprising a first driving motor provided for the driver unit to operate the driver, said first driving motor being configured to make the first driving shaft perform one reciprocating movement of the driver when the first driving shaft is rotated by one turn,

a second driving motor provided for the clincher unit to reciprocate the clincher base and to operate the clincher, said second driving motor being configured to make the second driving shaft perform one reciprocating movement of the driver when the second driving shaft is rotated by one turn, a first detector for outputting a pulse every time when the first driving shaft turns by a given angle, a second detector for outputting a pulse every time when the second driving shaft turns by a given angle, and a controller for controlling the first and second driving motors based on the number of pulses outputted from the first and second detectors, respectively, wherein the second driving motor is driven to make the clincher base clamp the sheets between the driver unit, and then the second driving motor is stopped;

thereafter the first driving motor is driven to make the drive-out mechanism operate toward and drive out the staple through the sheets, and then the first driving motor is stopped;

thereafter the second driving motor is driven to make the clincher mechanism operate and clinch the leg portions of the staple having passed the sheets, the clincher base is returned, and then the second driving motor is stopped; and

after the clinching operation is terminated, the first driving motor is driven to return the driver to an initial position, and then the first driving motor is stopped.

Claims 2-3 have been cancelled.

Claim 4. The stapler set forth in claim 1, wherein said first detector is a first encoder for outputting a pulse every time when the first driving shaft turns by a given angle; and said detector is a second encoder for outputting a pulse every time when the second driving shaft turns by a given angle.

Claim 5. The stapler set forth in claim 1, wherein the clincher unit is disposed above the driver unit, the clincher unit moves downwardly, and the sheets placed on an upper face of the driver unit are clamped between the clincher base and the driver unit.

Claim 6. The stapler set forth in claim 1, wherein said first detector is a first encoder for outputting a pulse every time when the first driving shaft turns by a given angle; and said second detector is a second encoder for outputting a pulse every time when the second driving shaft turns by a given angle.

Reasons For Allowance

4. The following is an examiner's statement of reasons for allowance. The prior art of record fails to anticipate or show in combination all the features of applicant's invention:

Specifically, applicant's amendments have combined the limitations of allowable subject matter as indicated in both the prior office action mailed 3/16/2006 as well as in a telephone interview with applicant's counsel on 6/12/2006.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 6 p.m.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467. The official fax number for this Group is: 571-273-8300

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/15/2006

Brian Nash
Patent Examiner
Art Unit 3721



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700